

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GARNELL THOMPSON,
Petitioner,

- Against -

DALE ARTUS
Respondent

AFFIDAVIT IN OPPOSITION TO
PEOPLE'S REQUEST FOR EXTENSION
OF TIME TO COMPLY WITH
COURT'S ORDER TO SHOW CAUSE
10-CV-01443 (CBA)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 02 2010 ★

BROOKLYN OFFICE

Garnell Thompson, being duly sworn deposes and says:

1. I am the Petitioner in the above matter.
2. I am fully familiar with the facts herein mentioned.
3. On 11-17-2009, Petitioner filed timely petition for issuance of a writ of habeas corpus pursuant to 28 U.S.C. Section 2254.
4. Upon ORDER TO SHOW CAUSE dated April 15, 2010 the Court ordered the Respondent within sixty days of the date of this order to:
A) file a return to the petition, why the writ of habeas corpus should not be granted; B) serve necessary affidavits and briefs, on the petitioner and file the original with proof of service, with the Clerk of the Court; C) Submit the transcript and record of the trial and any hearings to this Court at the time of filing such return; D.) Submit, at the time of filing such return, copies of petitioner's and District Attorney's briefs: a) on appeal b) in connection with proceedings pursuant to section 440 of New York's Criminal Procedure

(1)

Law, and c) in connection with Coram Nobis Proceedings, if any such Proceedings took place, as well as all relevant State Court transcripts, decisions and opinions. The Court gave the Respondent until June 23, 2010 to comply with the ORDER TO SHOW CAUSE.

5.) On June 26, 2010 Petitioner recieved Respondent's AFFIDAVIT IN OPPOSITION TO PETITION FOR A WRIT OF HABEAS CORPUS.

6.) On June 29, 2010 Petitioner recieved Respondent's written application for extension of time to file the State record, dated June 23, 2010 which was the day of the Court ordered deadline for compliance to the Order To Show Cause.

7.) The Respondent after being given sixty days to comply with this Court's order to show Cause, Now claims that more than sixty days is needed to make copies of the State record.

8.) The Respondent could've easily complied with the guidelines set by this Court in its Order To Show Cause by showing due diligence, Since its Common Knowledge that the District Attorney's Office in Kings County employs an army of Secretaries and Office associates who are able and competent enough to have by the push of a button on any of the numerous copies machines in the office of the District Attorney, Made the requested copies of the State record in this case in less than one day.

9.) Thus it is Petitioner's position that the Respondent's Affidavit In Opposition To Petitioner's Petition For A Writ of Habeas Corpus should be precluded / dismissed by this Court as a direct result of the Respondent omitting to comply with the Court's order To Show Cause in a timely manner as prescribed by the Court in its Order To Show Cause and the Federal Rules of Civil Procedure. U.S.C.A. 14 Amend.;

Also See "Collateral estoppel" Federal Rules of Civil Procedure.

10) IN conclusion for the foregoing reasons the Petitioner's Petition for a Writ of habeas should be granted and any other relief the Court deems just and proper.

Sworn to before me this
Day of JULY

Notary Public

Harry D. Durgan
Notary Public, State of New York
No. 01DU6008379
Qualified in Clinton County
Commission Expires

6/22/14

Garnell. Thompson.

Petitioner [Pro se]

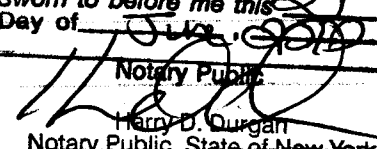
6-29-2010

AFFIDAVIT OF SERVICE

Garnell Thompson, being duly sworn deposes and says:
I have placed the following moving papers in the institutional
Mailbox at Clinton Correctional Facility: 1.) AFFIDAVIT IN
OPPOSITION TO PEOPLE'S REQUEST FOR EXTENTION OF TIME TO
COMPLY WITH ORDER TO SHOW CAUSE.

SENT TO: Carol Bagley Amon, U.S. Judge
U.S. District Court
225 Cadman Plaza East
BKLYN, NY 11201

Solomon Neubart, A.D.A.
Appeals office of the District Attorney
350 Jay St, BKLYN, NY 11201-2908

Sworn to before me this 29
Day of July, 2010

Notary Public
Harry D. Durgan
Notary Public, State of New York
No. 01DU6008379
Qualified in Clinton County
Commission Expires 8/20/14

Garnell. Thompson.
Petitioner [Pro Se]

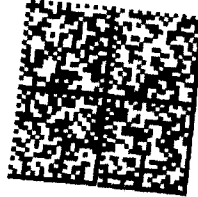
CLINTON CORRECTIONAL FACILITY
P.O. BOX 2000
DANNEMORA, NEW YORK 12929

NAME: Gavriel Thompson

DIN#: 06A0191



CLINTON
CORRECTIONAL
FACILITY



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\$00.440

06/30/2010

Mailed From 12929

US POSTAGE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 02 2010 ★

BROOKLYN OFFICE

Carol Bagley Amon
United States Judge
U.S. District Court
225 Cadman Plaza East
BKLYN, N.Y. 11201

1120131832

